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REMARKS

Applicants have amended Independent claim 8 to recite "A composition comprising a cut potato piece and a dry coating." Support for the amendment can be found in the specification on page 8, lines 12-20; Example 1, lines 5-7 and Example 3, lines 21-22. Accordingly, no new matter is added and entry of the amendment is respectfully requested.

Claims 8-9 and 16-20 stand rejected under 35 U.S.C. 103(a) as being obvious over McArdle over Redenbaugh.

The Examiner asserts that McArdle teaches the claimed composition and Redenbaugh teaches the advantage of coating potato seed pieces, thus, there is motivation to use the composition of McArdle to coat potato seed pieces as taught by Redenbaugh.

The Applicants respectfully disagree and request the rejection be withdrawn for the following reasons.

Redenbaugh teaches a coating of water saturated hydrogel (See Column 3 lines 64-68 and column 17, Claim 1, lines 38-39), which contains free water that may be used by the seed to initiate the process of germination at the time of delivery (Column 4, lines 54-56). This is in contrast to the crop seed coating composition of the present invention that is dry and keeps out moisture (See Declaration by Smith, paragraph 10, submitted on January 19, 2006). Thus, Redenbaugh teaches away from the present invention, rendering no motivation to combine Redenbaugh with McArdle. In addition, Redenbaugh already teaches already teaches an advantageous crop seed coating that improves germination, and this coating is a saturated hydrogel, thus there would be no reason why one skilled in the art would be motivated to combine the teachings therein.

The Examiner has indicated consideration of the Declaration of Smith filed by the Applicant on January 19, 2006 and asserts that the declaration describing Applicant's unexpected results is not commensurate in scope with the claims stating that "The unexpected result was obtained using a zein-polysaccharide complex which is not a claim limitation." The Applicants respectfully submit that claim 8 recites a "coating comprising a peptide-polysaccharide complex comprising a peptide

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and a polysaccharide, wherein said peptide is zein." Thus, a zein-polysaccharide complex is, in fact, commensurate with the scope of the claims.

Thus the Applicants respectfully resubmit that, as indicated by Dr. Robert Smith in the Declaration filed January 19, 2006 (Declaration by Smith, paragraph 12), neither McArdle nor Redenbaugh, teach or suggest the unexpected results of the Applicants coating, which show a significant increased rate of emergence and seed piece integrity. See for example, Example 1 of the Application which shows a greater than 20% increase in emergence and greater than a 50% increase in seed integrity in comparison to emergence and seed integrity in the absence of treatment. The early stage protection offered by the composition results in a yield increase of economically valuable tubers up to a 73% (Specification, page 11, lines 23-28).

In addition, the Applicant's show that there is a 21.8% increase in yield when potato seed pieces are coated with the Zein/polysaccharide complex, as compared to treatment of seeds with a conventional fungicide. This 21.8% increase in yield resulted in the production of an additional 650,000 pounds of potatoes for a 100 acre plot (Specification, page 13, lines 12-14) (Declaration by Smith filed January 19, 2006, paragraph 13). There is nothing in Redenbaugh or McArdle that would suggest to one skilled in the art the surprising crop benefits illustrated by the Applicants (Declaration by Smith filed January 19, 2006, paragraph 12).

Accordingly, the Applicant's invention is not rendered obvious by the combination of McArdle and Redenbaugh and Applicants respectfully request that the rejection of claims 8-9 and 16-20 under 35 U.S.C. 103(a) as being obvious over McArdle over Redenbaugh be withdrawn.

In the event that there are any questions relating to this Amendment or to the application in general, it is kindly requested that the Examiner contact the undersigned attorney concerning the same to expedite prosecution of this application.

Entry of the foregoing and prompt and favorable consideration of the subject application on the merits are respectfully requested.

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The Examiner is authorized to charge fee deficiencies or credit overpayments associated with the submission of this document to the NIXON PEABODY LLP Deposit Account No. 19-2380.

Date:

7/17/06

Respectfully submitted,



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